**IN THE UNITED STATES DISTRICT COURT**
**FOR THE WESTERN DISTRICT OF WISCONSIN**

| | | |
|---|---|---|
| SanDisk Corp. | ) | Civil Action No. 07-C-0607-C |
| | ) | |
| *Plaintiff*, | ) | |
| | ) | |
| vs. | ) | **JURY TRIAL DEMANDED** |
| | ) | |
| Phison Electronics Corp., Silicon Motion | ) | |
| Technology Corp., Silicon Motion, Inc. | ) | |
| (Taiwan), Silicon Motion, Inc. (California), | ) | |
| Silicon Motion International, Inc., Synergistic | ) | |
| Sales, Inc., USBest Technology, Inc., Skymedi | ) | |
| Corp., Chipsbrand Microelectronics (HK) Co., | ) | |
| Ltd., Chipsbank Technology (Shenzhen) Co., | ) | |
| Ltd., Chipsbank Microelectronics Co., Ltd., | ) | |
| Zotek Electronic Co., Ltd., Zodata Technology | ) | |
| Ltd., Infotech Logistic LLC, Power Quotient | ) | |
| International Co., Ltd., PQI Corp., PNY | ) | |
| Technologies, Inc., Kingston Technology Co., | ) | |
| Inc., Kingston Technology Corp., Payton | ) | |
| Technology Corp., MemoSun, Inc., Buffalo, | ) | |
| Inc., Melco Holdings, Inc., Buffalo | ) | |
| Technology (USA), Inc., Verbatim Corp., | ) | |
| Transcend Information Inc. (Taiwan), | ) | |
| Transcend Information Inc. (California, | ) | |
| U.S.A.), Transcend Information Maryland, | ) | |
| Inc., Imation Corp., Imation Enterprises Corp., | ) | |
| Memorex Products, Inc., Add-On Computer | ) | |
| Peripherals, Inc., Add-On Computer | ) | |
| Peripherals, LLC, Add-On Technology Co., | ) | |
| A-Data Technology Co., Ltd., A-Data | ) | |
| Technology (USA) Co., Ltd., Apacer | ) | |
| Technology Inc., Apacer Memory America, | ) | |
| Inc., Acer, Inc., Behavior Tech Computer | ) | |
| Corp., Behavior Tech Computer USA Corp., | ) | |
| Corsair Memory, Inc., Dane-Elec Memory | ) | |
| S.A., Dane-Elec Corp. USA, EDGE Tech | ) | |
| Corp., Interactive Media Corp, LG | ) | |
| Electronics, Inc., LG Electronics U.S.A., Inc., | ) | |
| TSR Silicon Resources Inc., and Welldone Co. | ) | |
| | ) | |
| *Defendants*. | ) | |

**PLAINTIFF SANDISK CORP.'S NOTICE OF DISMISSAL**
**WITHOUT PREJUDICE OF ACER, INC.**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiff SanDisk Corp.

("SanDisk") files this Notice of Dismissal Without Prejudice of Defendant Acer, Inc. ("Acer")

and respectfully states as follows:

1.      On October 24, 2007, SanDisk filed its Complaint for patent infringement with this Court, alleging that Acer infringes United States Patent No. 5,719,808, United States Patent No. 6,763,424, United States Patent No. 6,426,893, United States Patent No. 6,947,332, and United States Patent No. 7,137,011.

2.      Acer has not served either an answer to SanDisk's Complaint or a motion for summary judgment.

3.      Apacer Technology Inc. and Apacer Memory America, Inc. (collectively, "Apacer") are defendants in this matter.  On information and belief, Apacer is a spin-off of Acer, Inc., and Acer, Inc. is a part owner of Apacer.

4.      Acer has represented that:  (1) Acer has not, does not, and will not in the future, make, sell, offer for sale, or use any accused flash memory controllers, or flash memory drives containing accused flash memory controllers, and does not induce or contribute to any alleged infringement by such products; (2) Acer has no management control over Apacer; and (3) Acer and Apacer are completely separate entities that wholly observe and maintain separate corporate forms.

5.      In light of and in reliance on these representations from Acer, SanDisk does not wish to pursue the above referenced matter against Acer at this time.  Accordingly, SanDisk hereby dismisses Acer from the above referenced action without prejudice, pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure.

6.      This Notice of Dismissal Without Prejudice of Defendant Acer, Inc. shall not serve to operate as a dismissal of any other party named as a defendant in this action.

Dated this 7<sup>th</sup> day of January 2008        RESPECTFULLY SUBMITTED,

**FOLEY & LARDNER LLP**

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